

Application No. 10/633,893
Amendment dated December 21, 2005
Reply to Office Action of September 26, 2005

REMARKS

Status Of Application

Claims 1-31 are pending in the application; the status of the claims is as follows:

Claims 1, 3, and 5-17 are rejected under 35 U.S.C. § 102(a or e) as being anticipated by U.S. Application Publication No. US 2005/0101469 A1 to Peuchert et al. (“Peuchert”).

Claims 1, 3, and 5-17 are rejected under 35 U.S.C. § 102(a or e) as being anticipated by U.S. Application Publication No. US 2003/0087746 A1 to Ritter et al. (“Ritter”).

Claim Amendments

Claims 1 and 3 have been amended to more particularly point out and distinctly claim the subject matter of the invention. These changes do not introduce any new matter.

35 U.S.C. § 102(a or e) Rejections

The rejections of claims 1, 3, and 5-17 under 35 U.S.C. § 102(a or e) as being anticipated by Peuchert and by Ritter, are respectfully traversed based on the following.

Claims 1 and 3 have been amended to require at least 0.1% by weight of Li₂O. This amendment is supported by paragraph [0019] of the specification which states a preferable lower limit of 0.1% for alkali metal oxides, such as Li₂O. It is respectfully submitted that neither Peuchert nor Ritter disclose, teach, or otherwise suggest a composition including any Li₂O whatsoever. Therefore, claims 1 and 3 distinguish over both Peuchert and Ritter.

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Claims 5-17 depend from claim 3 and, therefore, distinguish both Peuchert and Ritter for at least the same reasons as provided above in respect of claim 3.

Accordingly, it is respectfully requested that the rejection of claims 1, 3, and 5-17 under 35 U.S.C. § 102(a or e) as being anticipated by Peuchert et al., be reconsidered and withdrawn.

CONCLUSION

Wherefore, in view of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and an early reconsideration and a Notice of Allowance are earnestly solicited.

This Amendment does not increase the number of independent claims, does not increase the total number of claims, and does not present any multiple dependency claims. Accordingly, no fee based on the number or type of claims is currently due. However, if a fee, other than the issue fee, is due, please charge this fee to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260.

If an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed.

Any other fee required for such Petition for Extension of Time and any other fee required by this document pursuant to 37 C.F.R. §§ 1.16 and 1.17, other than the issue fee,

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and not submitted herewith should be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260. Any refund should be credited to the same account.

Respectfully submitted,

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